

By: Taylor

S.B. No. 1847

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Brazoria County Municipal Utility District No. 50; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8428 to read as follows:

CHAPTER 8428. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 50

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8428.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Brazoria County Municipal Utility District No. 50.

Sec. 8428.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8428.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

1 Sec. 8428.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 8428.003
3 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district.

7 Sec. 8428.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
8 The district is created to serve a public purpose and benefit.

9 (b) The district is created to accomplish the purposes of:
10 (1) a municipal utility district as provided by
11 general law and Section 59, Article XVI, Texas Constitution; and
12 (2) Section 52, Article III, Texas Constitution, that
13 relate to the construction, acquisition, improvement, operation,
14 or maintenance of macadamized, graveled, or paved roads, or
15 improvements, including storm drainage, in aid of those roads.

16 Sec. 8428.006. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act enacting this chapter.

19 (b) The boundaries and field notes contained in Section 2 of
20 the Act enacting this chapter form a closure. A mistake made in the
21 field notes or in copying the field notes in the legislative process
22 does not affect the district's:

23 (1) organization, existence, or validity;
24 (2) right to issue any type of bond for the purposes
25 for which the district is created or to pay the principal of and
26 interest on a bond;
27 (3) right to impose a tax; or

1 (4) legality or operation.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8428.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8428.052, directors serve
6 staggered four-year terms.

7 Sec. 8428.052. TEMPORARY DIRECTORS. (a) On or after the
8 effective date of the Act enacting this chapter, the owner or owners
9 of a majority of the assessed value of the real property in the
10 district may submit a petition to the commission requesting that
11 the commission appoint as temporary directors the five persons
12 named in the petition. The commission shall appoint as temporary
13 directors the five persons named in the petition.

14 (b) Temporary directors serve until the earlier of:

15 (1) the date permanent directors are elected under
16 Section 8428.003; or

17 (2) the fourth anniversary of the effective date of
18 the Act enacting this chapter.

19 (c) If permanent directors have not been elected under
20 Section 8428.003 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 8428.003; or

26 (2) the fourth anniversary of the date of the
27 appointment or reappointment.

1 (d) If Subsection (c) applies, the owner or owners of a
2 majority of the assessed value of the real property in the district
3 may submit a petition to the commission requesting that the
4 commission appoint as successor temporary directors the five
5 persons named in the petition. The commission shall appoint as
6 successor temporary directors the five persons named in the
7 petition.

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8428.101. GENERAL POWERS AND DUTIES. The district has
10 the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 8428.102. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 8428.103. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 8428.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
24 project must meet all applicable construction standards, zoning and
25 subdivision requirements, and regulations of each municipality in
26 whose corporate limits or extraterritorial jurisdiction the road
27 project is located.

1 (b) If a road project is not located in the corporate limits
2 or extraterritorial jurisdiction of a municipality, the road
3 project must meet all applicable construction standards,
4 subdivision requirements, and regulations of each county in which
5 the road project is located.

6 (c) If the state will maintain and operate the road, the
7 Texas Transportation Commission must approve the plans and
8 specifications of the road project.

9 Sec. 8428.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
10 OR RESOLUTION. The district shall comply with all applicable
11 requirements of any ordinance or resolution that is adopted under
12 Section 54.016 or 54.0165, Water Code, and that consents to the
13 creation of the district or to the inclusion of land in the
14 district.

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 8428.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
17 district may issue, without an election, bonds and other
18 obligations secured by:

19 (1) revenue other than ad valorem taxes; or

20 (2) contract payments described by Section 8428.153.

21 (b) The district must hold an election in the manner
22 provided by Chapters 49 and 54, Water Code, to obtain voter approval
23 before the district may impose an ad valorem tax or issue bonds
24 payable from ad valorem taxes.

25 (c) The district may not issue bonds payable from ad valorem
26 taxes to finance a road project unless the issuance is approved by a
27 vote of a two-thirds majority of the district voters voting at an

election held for that purpose.

Sec. 8428.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8428.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8428.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8428.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8428.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all

or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8428.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Brazoria County Municipal Utility District No. 50 initially includes all the territory contained in the following area:

Being a 621.13 acre tract of land out of the J. L. Holmes Survey, Abstract 610 and the Francis Moore League, Abstract 100, Brazoria County, Texas; and being out of and a portion of that certain called 2,075.08 acre tract of land as conveyed in Special Warranty Deed to SUNTEX FULLER CORPORATION, recorded in Clerk's File Number 99-003294 of the Official Public Records of Real Property in Brazoria County, Texas; said 621.13 acre tract of land is more particularly described by metes and bounds as follows;

BEGINNING at a point for the Southwest corner of said 2,075.08 acre tract of land, being at the intersection of the East right-of-way line of County Road 511 as recorded in Volume 548, Page 544 of the Deed Records of Brazoria County, Texas; and the common line between said J. L. Holmes Survey, and the Sam T. Angier 2/3 League, Abstract 7;

THENCE North 23° 29' 46" East with the Northwesterly line of said 2,075.08 acre tract, the Southeasterly right-of-way line of said County Road 511, 843.30 feet to a point for corner, being in

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1 the common line of said Francis Moore League and said J. L. Holmes
2 Survey;

3 THENCE North 27° 03' 00" West with said common survey line,
4 the West line of said 2,075.08 acre tract, the East right-of-way
5 line of said County Road 511, 456.55 feet to a point for corner,
6 being the Southwest corner of Savannah Plantation, Section One,
7 Block 4 (Unrecorded);

8 THENCE North 62° 57' 00" East with the South line of said
9 Section One, Block 4, 1,270.60 feet to a point for the Southeast
10 corner of said Section One, Block 4;

11 THENCE with the Easterly lines of said Savannah Plantation,
12 Section One, Block 4 as follows:

13 - North 70° 17' 37" West, 103.04 feet to a point for corner;
14 - North 55° 25' 00" West, 1,003.80 feet to a point for
15 corner;
16 - South 88° 33' 55" West, 84.83 feet to a point for corner;
17 - North 62° 57' 00" East, 553.42 feet to a point for corner;
18 - North 27° 03' 00" West, 660.79 feet to a point for the
19 Southwest corner of Brazoria County Municipal Utility District
20 Number 49;

21 THENCE North 63° 00' 17" East with the Southeasterly line of
22 said Brazoria County Municipal Utility District Number 49, the
23 Northwesterly line of the herein described tract of land, 3,951.47
24 feet to a point for corner;

25 THENCE North 62° 54' 39" East, 498.21 feet to a point for
26 corner in the South line of Savannah Plantation, Section Three as
27 recorded in Volume 21, Pages 1-2 in the Map Records of Brazoria

1 County, Texas;

2 THENCE South 83° 58' 35" East with said South line of Savannah
3 Plantation, Section Three, 1,282.17 feet to a point for the
4 Southeast corner of said Section Three;

5 THENCE with the East lines of said Savannah Plantation,
6 Section Three, as follows:

7 - North 06° 01' 25" East, 520.00 feet to a point for corner at
8 the beginning of a non-tangent curve to the right;

9 - Along the arc of said non-tangent curve to the right,
10 having a chord of North 38° 58' 37" West, 141.42 feet, a radius of
11 100.00 feet, a central angle of 90° 00' 00", for an arc distance of
12 157.08 feet to a point for corner at the beginning of a compound
13 curve to the right;

14 - Along the arc of said compound curve to the right, having a
15 chord of North 05° 14' 12" East, 149.70 feet, a radius of 2,230.00
16 feet, a central angle of 03° 50' 49", for an arc distance of 149.73
17 feet to a point for corner, being the Southwest corner of Brazoria
18 County Municipal Utility District Number 48;

19 THENCE North 62° 54' 39" East with the Southeasterly line of
20 said Brazoria County Municipal Utility District Number 48, the
21 Northwesterly line of the herein described tract of land, 3,610.87
22 feet to a point for corner, being in the West bank of Chocolate
23 Bayou;

24 THENCE with the meanders of said West bank of Chocolate Bayou
25 as follows:

26 - South 36° 03' 09" East, 112.87 feet to a point for corner;

27 - South 37° 12' 33" East, 232.94 feet to a point for corner;

- 1 - South 26° 51' 46" East, 173.05 feet to a point for corner;
- 2 - South 64° 03' 02" East, 113.29 feet to a point for corner;
- 3 - North 65° 59' 20" East, 85.47 feet to a point for corner;
- 4 - North 30° 35' 54" East, 80.55 feet to a point for corner;
- 5 - North 11° 49' 00" East, 121.25 feet to a point for corner;
- 6 - North 39° 02' 58" East, 46.70 feet to a point for corner;
- 7 - North 79° 35' 38" East, 81.60 feet to a point for corner;
- 8 - South 81° 40' 33" East, 52.69 feet to a point for corner;
- 9 - South 52° 35' 11" East, 77.04 feet to a point for corner;
- 10 - South 15° 06' 58" East, 75.86 feet to a point for corner;
- 11 - South 40° 07' 37" East, 143.28 feet to a point for corner;
- 12 - South 25° 59' 12" East, 127.41 feet to a point for corner;
- 13 - South 08° 52' 14" West, 25.85 feet to a point for corner;
- 14 - South 27° 08' 03" West, 108.93 feet to a point for corner;
- 15 - South 34° 01' 27" East, 83.33 feet to a point for corner;
- 16 - North 87° 12' 12" East, 77.34 feet to a point for corner;
- 17 - North 45° 04' 20" East, 112.03 feet to a point for corner;
- 18 - North 49° 08' 05" East, 68.55 feet to a point for corner;
- 19 - North 66° 13' 58" East, 70.15 feet to a point for corner;
- 20 - South 89° 00' 41" East, 56.71 feet to a point for corner;
- 21 - South 74° 30' 17" East, 55.51 feet to a point for corner;
- 22 - South 58° 25' 43" East, 69.65 feet to a point for corner;
- 23 - South 35° 18' 15" East, 57.15 feet to a point for corner;
- 24 - South 00° 55' 08" West, 74.58 feet to a point for corner;
- 25 - South 18° 30' 13" West, 84.98 feet to a point for corner;
- 26 - South 32° 40' 22" West, 150.91 feet to a point for corner;
- 27 - South 12° 12' 06" West, 118.65 feet to a point for corner;

1 - South 20° 04' 24" East, 119.36 feet to a point for corner;
2 - South 40° 59' 47" East, 192.54 feet to a point for corner;
3 - South 26° 56' 31" East, 50.57 feet to a point for corner;
4 - South 11° 27' 43" West, 37.41 feet to a point for corner;
5 - South 56° 05' 32" West, 34.03 feet to a point for corner;
6 - South 73° 41' 45" West, 167.16 feet to a point for corner;
7 - South 55° 54' 14" West, 108.72 feet to a point for corner;
8 - South 21° 32' 37" West, 57.02 feet to a point for corner;
9 - South 13° 27' 58" West, 114.02 feet to a point for corner;
10 - South 51° 09' 33" West, 47.10 feet to a point for corner;
11 - South 81° 15' 23" West, 143.20 feet to a point for corner;
12 - South 43° 21' 30" West, 85.50 feet to a point for corner;
13 - South 17° 05' 49" West, 180.88 feet to a point for corner;
14 - South 08° 59' 25" West, 100.60 feet to a point for corner;
15 - South 12° 44' 53" East, 63.97 feet to a point for corner;
16 - South 60° 15' 35" East, 104.53 feet to a point for corner;
17 - North 87° 43' 23" East, 125.53 feet to a point for corner;
18 - South 75° 03' 21" East, 49.05 feet to a point for corner;
19 - South 53° 23' 22" East, 144.38 feet to a point for corner;
20 - South 35° 17' 18" East, 42.99 feet to a point for the
21 Southeast corner of the herein described tract of land, being the
22 Southeast corner of said 2,075.08 acre tract of land;

23 THENCE South 62° 54' 39" West with the Southeasterly line of
24 said 2,075.08 acre tract, the Southeasterly line of the herein
25 described tract of land, 5,538.30 feet to an angle point for corner;

26 THENCE South 63° 00' 17" West continuing with said
27 Southeasterly line, 5,804.42 feet to the POINT OF BEGINNING;

1 containing 621.13 acres of land, more or less.

2 SECTION 3. (a) The legal notice of the intention to
3 introduce this Act, setting forth the general substance of this
4 Act, has been published as provided by law, and the notice and a
5 copy of this Act have been furnished to all persons, agencies,
6 officials, or entities to which they are required to be furnished
7 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8 Government Code.

9 (b) The governor, one of the required recipients, has
10 submitted the notice and Act to the Texas Commission on
11 Environmental Quality.

12 (c) The Texas Commission on Environmental Quality has filed
13 its recommendations relating to this Act with the governor, the
14 lieutenant governor, and the speaker of the house of
15 representatives within the required time.

16 (d) All requirements of the constitution and laws of this
17 state and the rules and procedures of the legislature with respect
18 to the notice, introduction, and passage of this Act are fulfilled
19 and accomplished.

20 SECTION 4. (a) If this Act does not receive a two-thirds
21 vote of all the members elected to each house, Subchapter C, Chapter
22 8428, Special District Local Laws Code, as added by Section 1 of
23 this Act, is amended by adding Section 8428.106 to read as follows:

24 Sec. 8428.106. NO EMINENT DOMAIN POWER. The district may
25 not exercise the power of eminent domain.

26 (b) This section is not intended to be an expression of a
27 legislative interpretation of the requirements of Section 17(c),

1 Article I, Texas Constitution.

2 SECTION 5. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2013.